



Assurance Group
London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
26 November 2019
Our ref: 5760136

Thank you for your request received on 1 November 2019, for the following information:

It is of great public concern that the leader of Barnet Council, Daniel Thomas, has been reported in the press as saying that a failure to report problems such as potholes to the council is the cause of these problems not being fixed when it appears that the council's online portal for reporting such problems is not fit for purpose and problems that are reported are routinely ignored (<https://www.times-series.co.uk/news/18003402.councillors-clash-conditions-barnet-housing-block/>).

This issue is evidently of great public interest and justifies a very high level of openness and transparency. It is difficult to conceive of any reasonable grounds for the council to withhold information relating to this issue.

I have reported a number of problems via the council portal over a period of months. Some of them are rectified, but many are not. For example, on 4 September I reported fly-posting on the safety railings at the junction of Squires Ln and Long Ln. Over 8 weeks have passed and the posters have not yet been removed. According to Barnet Council's service commitment (<https://www.barnet.gov.uk/roads-and-pavements/report-problem-road-street-or-pavement/report-problem-service-commitments>) this fly-posting will be assessed within 10 days. The online portal page shows a message confirming receipt of my problem report and affirming the council's service commitment. However, no follow-up message has been posted explaining how this issue has been assessed or resolved. Indeed this problem is listed in my online account as one of 32 problems that have not yet been resolved and which are still in progress.

1. Please provide all documents, emails, notes, and other records relating to any assessment which has or has not been carried out by the council following my reporting of this problem, including any such information explaining why an assessment has not been carried out.

2. In the event that any assessment has been carried out, or a decision has been made not to carry out an assessment please explain why there is no message or other update included on the online portal such that I could be made aware of this fact without having to resort to an FOI request.

3. In the event that an assessment has been carried out and the council has decided not to remove the fly-posters please provide a full explanation. If the council has provided permission to the promoters / advertisers to fix posters in this hazardous location please state this clearly, and identify all such advertisers / promoters, and the dates on which permission was provided, and the duration of the permission (particularly in relation to events which concluded many weeks ago), and provide any documentary evidence of any risk assessment carried out in relation to the suitability of the posters at this hazardous location near a primary school.

4. Despite the fact that the council is presumable keeping a record of all problems logged via the online portal, please explain why these problem reports are not visible / accessible to portal users. It is only possible to see the receipt message provided by the council, and this contains no information regarding the detail of the problem. It seems that the only way a user is able to deduce what the details are for each problem are to keep their own records. Please confirm if this is indeed how the portal works, or if not please explain how it is possible for a user to locate the details of a problem which they previously reported, and also where instructions for this information are provided on the council website if any exist.

5. Please provide any documents, reports, memos of other internal council communications regarding failures or inadequacies with the fly-posting removal service, including any reports the

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested and I have located your complaints.

However, as this is personal data I cannot prove this under FOI or EIR (see formal refusal notice below) however as it is your own data I can provide it under the Data Protection Act 2018 as a Subject Access Request. if you would be so kind as to confirm your date of birth, address and any email addresses used to submit complaints i can process this quickly without requiring the usual ID.

We consider that regulation 13 (Personal information) applies to the information requested.

Therefore, we have decided to withhold the information.

Refusal Notice

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exception Regulation 13 of the Environmental Information Regulations 2004. These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an EIR request.

We consider the information is subject to Regulation 13 because to release it would be a breach of the Data Protection Act 2018.

Personal Information is governed by the Data Protection legislation and is defined as any information relating to an identified or identifiable natural person ('data subject')". It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.